

## REMARKS/ARGUMENTS

Claims 1-10 are pending in this application. Claim 6 has been cancelled without prejudice.

Claim 7 has been amended. The following issues are outstanding in the Office Action dated

August 27, 2002:

- Claims 7-10 were objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend on another multiple dependent claim.
- Claims 1-6 were rejected under 35 U.S.C. § 102(e) as being anticipated by ZAMIEROWSKI, U.S. Patent No. 6,071,267 (hereinafter referred to as "Zamierowski").

Applicant respectfully traverses the rejections and objections, and in light of the following remarks requests reconsideration and withdrawal thereof.

### **Claim Objections – 37 CFR 1.75(c)**

Examiner has objected to Claims 7-10 under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend on another multiple dependent claim.

Accordingly, the Examiner has not treated the claims on the merits. Applicant has cancelled multiple dependent claim 6 without prejudice, to which multiple dependent claim 7 depends. Furthermore, Applicant has amended claim 7 to eliminate any multiple dependency. Examiner's objections to Claims 7-10 are now moot, and Applicant respectfully requests withdrawal of the objection and consideration of Claims 7-10 on the merits.

### **Claim Rejections – 35 USC §102(e)**

Examiner has rejected Claims 1-6 under 35 U.S.C. §102(e) as being anticipated by Zamierowski. A rejection under 35 U.S.C. §102 is only appropriate where each and every feature set forth in the claim is present in the reference relied upon. Zamierowski does not

anticipate the invention as set forth in the amended claims. Applicant respectfully traverses the rejection based upon Zamierowski.

Independent claim 1 recites a porous pad being *predisposed* with a wound healing factor. Zamierowski does not disclose a pad being predisposed with a wound healing factor. In Zamierowski, a fluid conveyance subsystem 8 is utilized to *introduce* various fluids into the interface system 2. (Please see Lines 42-46 of Column 4 in Zamierowski). Further in Zamierowski, the interface system 2 is utilized for wound drainage and for the *introduction* of liquids. (Please see Lines 50-54 of Column 3). Suitable materials for this system include hydrophobic polyurethane ether or hydrophilic polyurethane foam. (Please see Lines 53-56 of Column 3). Zamierowski does not disclose the interface system 2 being predisposed with a wound healing factor. Although it is arguable, as the Examiner has indicated, that it is inherent in medical care that the growth factors in wound healing comprise a basic fibroblast growth factor and an anti-microbial agent comprises an antibiotic, Zamierowski does not disclose a porous pad being predisposed with such materials, as is claimed in the present invention. Accordingly, the §102 rejection of claim 1 based on Zamierowski should be withdrawn. Claims 2-10, which depend directly or indirectly from claim 1 and contain additional features, are allowable for at least the reasons claim 1 is allowable.

For the sake of completeness, Applicant respectfully points out that there is not motivation for modifying Zamierowski to satisfy the limitations of independent claim 1 and, as such, claim 1 would not have been obvious to those of ordinary skill in the art.

### SUMMARY

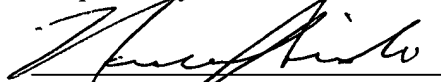
In view of the above, it is submitted that the claims are in a condition for allowance. Reconsideration and withdrawal of the rejections and objections are hereby respectfully requested. Allowance of Claims 1-10 at an early date is solicited.

If upon consideration of the above, the Examiner should feel that outstanding issues remain in the present application that could be resolved, the Examiner is invited to contact the undersigned at the telephone number indicated to discuss resolution of such issues.

Attached hereto is a marked-up version of the changes made to the application and claims by the current amendment. The attached page is captioned **"Version with markings to show changes made."**

Applicant respectfully requests favorable consideration.

Respectfully submitted,



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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**In the claims:**

Claim 6 has been cancelled without prejudice.

Claim 7 has been amended as follows:

7. (Amended) The therapeutic combination as recited in [any of the preceding claims]claim 1,  
said therapeutic combination further comprising a wound drape for sealing said porous pad  
within said sealable space.